

MINUTES

Citizens Police Review Board Meeting

February 26, 2011
8:00 a.m.
City Hall Building – New Addition
Rooms 1A-1B
701 East Broadway
Columbia, Missouri

Board members present: Ms. LoCurto-Martinez, Mr. Highbarger, Ms. Smith, Mr. Dean, Ms. Wilson, Mr. McClure, Mr. Alexander, Mr. Sheltmire and Mr. Martin.

Staff Present: Fred Boeckmann and Rose Wibbenmeyer. Sgt. Wieneke arrived at 11:20 a.m. Council member Dudley was also present.

Members of the public were present.

Ms. LoCurto-Martinez called the meeting to order at 8:25 a.m. Ms. Kathryn Olson introduced herself. Ms. Williams introduced herself. Members of the Board introduced themselves.

Ms. Olson discussed core competencies for Civilian Oversight Practitioners. Ms. Williams stated that any time a policy is changed at the police department, the draft policy is circulated throughout the police department and throughout her agency for comments. In Seattle, Ms. Olson said that she is a civilian employee in the police department, a retired judge serves as an external auditor, and then there is a seven member citizen review board. This board does not review active cases, but does review closed cases. Ms. Olson said that the external auditor, the review board, or her office can make recommendations on policy. Both speakers felt that the organizations in Kansas City and Seattle make policy recommendations and get those recommendations implemented.

Ms. Olson stated that they take all kinds of complaints and do not limit the complaints. They triage complaints to determine which complaints should be investigated fully or which would not. She makes recommendations to the Chief on complaints that she feels should be sustained. She recommends discipline, but ultimately it is up to the Chief. In Seattle, officers have appeal rights; complainants do not. Ms. Olson feels that is a weakness in the Seattle model.

Ms. Olson said it is very difficult to compare numbers between agencies because they define misconduct differently. Ms. Olson said that they have supervisory intervention category which is not a disciplinary finding. The speakers discussed the history of

civilian oversight of law enforcement. Ms. Olson said that in Seattle, her office surveys the public on their perception of the police department.

In order to be effective, anyone doing oversight work needs credibility. Ms. Olson mentioned CALEA accreditation. It is a form of oversight and police accountability which is separate from the civilian review board, but it is a form of oversight and police accountability. Ms. Olson recommends a book called *Managing Accountability*.

The speakers discussed models and history of civilian oversight. Ms. Olson indicated that they look at the police department policies to determine whether or not something is misconduct.

The Chair updated the Board regarding the Chair's letter to the Tribune. Ms. Smith suggested looking at other avenues to reach the community. Ms. Olson gave examples of how her organization is providing information to the media and to the public.

Ms. Williams discussed investigations of police misconduct and complaints. In Kansas City, Ms. Williams said that they do not address traffic tickets and the damage from the execution of search warrants. Ms. Olson stated that in Seattle they view everything that comes in as a complaint so that the department is open to receiving feedback from the community. After they receive the complaints, they categorize the complaint as OPA Investigation Section, Line Investigation, Supervisory Referral, Preliminary Investigation Report, and the Contact log. The OPA Investigation Section complaints are more complex and involve more serious allegations. Line Investigation complaints involve minor misconduct and are investigated by the officer's chain of command. Supervisory Referral complaints are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary. Preliminary Investigation Report complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow-up. The contact log classification is used for OPA communications that do not involve misconduct, but are requests for information, referrals, etc. Ms. Williams discussed the structure and triage process used in Kansas City. Both speakers suggested establishment of a funnel with a paper trail. She suggested policies be implemented to establish a structure for a supervisory review.

Ms. Williams discussed what would constitute a good professional standards investigation. Ms. Olson emphasized that it is important to have established procedures. Ms. Williams stated that community education is important.

Ms. Williams discussed a good investigation. She said that you need the complainant's statement. In Kansas City, they ask for a narrative. If the complaint comes in at a precinct, her office makes contact with the complainant to get a formal statement. The internal affairs detective asks follow-up questions. After obtaining the statement, the detectives will go out and conduct an area canvass to find witnesses. They will pull video recordings from the car, building and city surveillance cameras. They will also

look for cell phone audio/video recordings. They also look at audio recordings. They get dispatch recordings and call logs. They obtain photos, medical records, computer logs, taser logs and use of force reports as well as any police reports. If the issue involves training, she obtains officer training records. They get the officer's statements. They get copies of the relevant policies and procedures. The investigators will interview anyone who came to the scene and will interview the supervisors. The Board should review these items to get the best possible view of what happened. Ms. Olson said that in Seattle, all complaints get funneled through two employees in her office. These two employees will pull the reports and the video. Once that information is pulled together, oftentimes that is enough to know that there is nothing here. They can then triage it. However, sometimes, it is hard to tell and so they must do a full investigation. Sometimes, looking at this information will help widen the complaint. Oftentimes, the officers are not activating the in-car video. Ms. Olson adds onto the complaint for an officer's failure to activate the video. The police can investigate themselves if they are properly trained and if the correct employees are selected. Investigations of citizen complaints are much different than a criminal investigation. Ms. Williams said Kansas City has all of their police policies on the internet.

The Board questioned Ms. Olson and Ms. Williams regarding whether or not the police officers or the police officers associations in their cities have requested that the City provide the officers with an attorney. Ms. Olson said that the City of Seattle does not pay for attorneys for the officers unless there is a civil suit filed against the City or the officer.

Ms. Williams discussed the mediation program used in Kansas City. They do informal mediation using the officer's supervisor. They have a formal mediation program as well. This program uses an independent third party mediator to mediate between the complainant and the officer. The complaint form contains a box to indicate a desire to participate in mediation. The police chief has not made mediation mandatory for the officers. If the complainant indicates mediation, the office does not do any additional investigation. They do not mediate force complaints. To design a mediation program, she suggested that the Board must decide how to structure it (i.e., part of the appeal process or part of the internal affairs process). They use volunteer mediators in Kansas City. In Seattle, they initially had pro bono mediators. Now, Seattle pays a stipend to the mediators. Ms. Olson said that the Board will want to be careful because they will want good mediators. Ms. Williams trains the mediators and they do a survey. Ms. Olson said that they do exit interviews after the mediations. They interview the officer, complainant and the mediator. In Seattle, the police union may soon request that the City make mediation mandatory. In the DC area, mediation is mandatory, but if the complainant is still not happy, there can be an appeal. Ms. Williams indicated that mediation saves a lot of time and money. Mediation is an educational tool and a community building process. Councilman Dudley inquired as to what happens if the complainant is not happy with the mediation process.

Ms. Olson discussed standards of proof issues. In Seattle, they will generally use a clear and convincing standard. Mr. Boeckmann indicated that there was not a standard

of proof delineated in the ordinance. Ms. Olson suggested that the Board may want to consider addressing the standard of proof.

Ms. Olson discussed the standard of review in the City of Columbia's ordinance. She said that the standard of review is a de novo review. She said that it is unusual.

Ms. Olson looks toward whether or not the officer's behavior is in line with the policies and procedures. Is it within policy? Is it legal to do? Is this how law enforcement resources should be used? In Seattle, they are doing training to teach officers how to deescalate situations. Ms. Wilson said whether or not the officer could do what they did is just one component of the question. Ms. Olson said that it is not all about discipline. One problem Ms. Olson sees with young officers is the inability to communicate without technology. Mr. McClure inquired regarding the concentration on communication skills since an officer needs to be able to communicate. Ms. Smith suggested that the Board work on the mediation program to increase communication skills. Ms. Olson defined misconduct as conduct outside of policy and outside of training.

The speakers discussed use of force cases. Ms. Olson discussed the City of Columbia Use of Force Policy.

Mr. Dudley asked about the different models regarding civilian oversight. Ms. Olson was impressed with what the CPRB has been able to accomplish given the extensive duties and the fact that the review board is a volunteer board. Ms. Smith asked about the Seattle model. Mr. Alexander inquired into the relationship between the Seattle police and Ms. Olson's office. She indicated that the relationship is cordial. The external auditor is helpful with the public perception that Ms. Olson is too embedded with the police.

Sgt. Wieneke discussed the meaning of officer induced jeopardy. The Board viewed videos. The Board and the speakers discussed the scenarios in the video. Sgt. Wieneke shared her perspective as a police officer.

The speakers discussed transparency in civilian oversight. The speakers discussed their approach to outreach. Ms. Williams stated that in Kansas City, they survey complainants immediately after they are interviewed by internal affairs rather than waiting until the process is over and a decision was made. The Board, Sgt. Wieneke and the speakers discussed different approaches to outreach.

The speakers discussed policy review and their approach to policy reviews. Ms. Williams discussed the development of specific policies. The speakers took questions from the Board.

Mr. Alexander suggested that the Board discuss what they have learned. Ms. Smith indicated that the Board should focus on the mediation portion and using mediation to triage. Ms. Wilson supported Ms. Smith's idea. Mr. Alexander suggested increasing community outreach. Mr. Alexander said that the Board should partner with police and

go out to schools to talk about what the Board does. Ms. Wilson stated that was a good idea. Mr. Alexander suggested a subcommittee meet with the police on a monthly basis. Mr. Boeckmann indicated that a subcommittee would need to follow the same rules as the Board with respect to the posting of meetings and the preparation of minutes and agendas. Mr. Alexander and Ms. Wilson stated that they do like the appointment of replacements for outgoing board members earlier in the process in order for new board members to attend a couple of meetings prior to being active on the Board.

The Board thanked Council member Dudley for attending the training program. The Board adjourned the meeting at 4:37 p.m.